

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

* * * * *		CRIMINAL ACTION
UNITED STATES OF AMERICA	*	11-186-S
	*	
VS.	*	NOVEMBER 13, 2012
	*	<u>VOLUME I</u>
	*	
JOSEPH CARAMADRE and	*	
RAYMOUR RADHAKRISHNAN	*	PROVIDENCE, RI
* * * * *	*	

HEARD BEFORE THE HONORABLE WILLIAM E. SMITH  
DISTRICT JUDGE  
(Jury Trial)

**APPEARANCES:**

FOR THE GOVERNMENT:	LEE VILKER, AUSA and JOHN P. McADAMS, AUSA U.S. Attorney's Office 50 Kennedy Plaza Providence, RI 02903
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FOR THE DEFENDANT Joseph Caramadre:	MICHAEL J. LEPIZZERA, ESQ. Lepizzera & Laprocina 117 Metro Center Blvd. Suite 2001 Warwick, RI 02886
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ANTHONY M. TRAINI, ESQ. 56 Pine Street Providence, RI 02903
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**APPEARANCES:** (Continued)

FOR THE DEFENDANT

Raymour Radhakrishnan: RAYMOUR RADHAKRISHNAN, pro se

OLIN THOMPSON, ESQ.  
Federal Defender's Office  
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1 13 NOVEMBER 2012 -- 9:00 A.M.

2 (Proceedings out of the presence of the jury as  
3 follows:)

4 THE COURT: Good morning, everyone. We're ready  
5 to begin trial in the matter of the United States  
6 versus Joseph Caramadre and Raymour Radhakrishnan.

7 In a few moments, we'll bring the jury in but as  
8 we discussed with counsel in chambers, there are a few  
9 matters that we need to go over before we bring the  
10 jury in.

11 So let's begin by having counsel identify  
12 themselves for the record, please.

13 MR. VILKER: Good morning, your Honor. Lee  
14 Vilker, Assistant United States Attorney. I'm here  
15 with John McAdams, fellow Assistant United States  
16 Attorney.

17 MR. TRAINI: Good morning, your Honor. Anthony  
18 Traini for Mr. Caramadre.

19 MR. LEPIZZERA: Good morning, your Honor.  
20 Michael Lepizzera on behalf of Mr. Caramadre.

21 MR. RADHAKRISHNAN: Good morning, your Honor.  
22 Raymour Radhakrishnan here with Mr. Olin Thompson as my  
23 standby counsel.

24 MR. THOMPSON: Good morning, your Honor. Olin  
25 Thompson, standby counsel for Mr. Radhakrishnan.

1           THE COURT: All right. So before we get  
2 started, let me just remind everyone involved and  
3 counsel particularly that we're going to be sticking to  
4 a tight schedule here for the next few months. I need  
5 you to take whatever steps are necessary to be here on  
6 time so we can start promptly at nine o'clock every  
7 day. We can't have any delays. All right?

8           Okay. Mr. Traini, I know you need to renew some  
9 motions.

10          MR. TRAINI: I do. Thank you, your Honor. As  
11 we discussed at our final pretrial conference, your  
12 Honor, there were several legal matters we need to put  
13 on the record.

14          The matters that we needed to put on the record  
15 preliminarily this morning, your Honor, prior to the  
16 jury coming in to court is the Defendant, Mr. Caramadre  
17 that is, is renewing his earlier motion to sever, which  
18 was based on Mr. Radhakrishnan's pro se representation.  
19 You originally denied that motion in a written opinion,  
20 and so we are again objecting to the denial of the  
21 severance and renewing the severance motion this  
22 morning.

23          THE COURT: All right.

24          MR. TRAINI: Secondly, your Honor, as you know,  
25 Mr. Caramadre filed a motion to waive jury trial, which

1 was also based on Mr. Radhakrishnan's pro se  
2 representation. You denied that in a written opinion  
3 as well. The motion is being renewed at this time, and  
4 again we are objecting to the earlier denial of that  
5 motion.

6 Ordinarily, Judge, we would also have to, I  
7 think, for the record, make that motion again after the  
8 jury was sworn, but in order to not interrupt the  
9 proceedings and delay things unnecessarily, we've all  
10 agreed that by making it now it's the equivalent of  
11 also making it after the jury is sworn and the  
12 Government hasn't objected to that.

13 THE COURT: The Government is agreeable to that?

14 MR. VILKER: Yes, your Honor.

15 THE COURT: So both of those motions are denied  
16 for the reasons stated in the written opinions  
17 previously filed.

18 MR. TRAINI: Thank you, your Honor.

19 With respect to the evidence, we know again from  
20 our pretrial conference that the first item of evidence  
21 this morning is going to be Mr. Richard Wiley's  
22 deposition, which is going to be played via video to  
23 the jury. The Court will recall that previously there  
24 was a motion to suppress filed by Mr. Caramadre, which  
25 the Court heard and denied, and that was I believe a

1 motion to suppress all of the depositions, including  
2 Mr. Wiley's. And we now renew that motion to suppress,  
3 and again object to the fact that it was denied  
4 earlier.

5 And similarly, your Honor, you will recall, I'm  
6 sure, that several years ago there were objections to  
7 the taking of the depositions in the first place when  
8 we had the extensive Rule 15 proceedings before you.  
9 And again, we are objecting to the deposition being  
10 shown as having been taken in the first place for all  
11 of the reasons that we stated in 2009 and following  
12 with respect to the Rule 15 proceedings, and again  
13 object to our denial of the earlier motion that we made  
14 not to take the depositions. So we're renewing both of  
15 those at this point in the trial.

16 THE COURT: Okay. For all the reasons stated in  
17 the prior opinions, both with respect to the motion to  
18 suppress and with respect to the Rule 15 matter, for  
19 the reasons stated in the opinion I did in 2009, those  
20 objections are all denied.

21 MR. TRAINI: And finally, your Honor, again, in  
22 order to let these proceedings move smoothly, there  
23 will be evidence commencing with Mr. Wiley's deposition  
24 in which the Government will be offering co-conspirator  
25 statements, particularly in Mr. Wiley's deposition

1       there will be co-conspirator statements of  
2       Mr. Radhakrishnan. And pursuant to the ruling of First  
3       Circuit going back to United States versus  
4       Petrozziello, we would ordinarily be objecting to the  
5       introduction of those statements at the time subject to  
6       a determination by the Court that a conspiracy existed  
7       and that the statements would be admissible against  
8       Mr. Caramadre.

9               Pursuant to the First Circuit's opinion in  
10       United States versus Ciampaglia, we are making the  
11       objection now so that we don't have to interrupt the  
12       actual playing of the deposition in order to do that.  
13       And it's our understanding from the conference  
14       yesterday that your Honor is going to follow the rule  
15       of Ciampaglia and also the rule recently acknowledged  
16       again in Ceresi that we will be able to have a standing  
17       objection, if you will, to the introduction of all  
18       co-conspirator statements, including not only Mr.  
19       Radhakrishnan's but those of Mr. Hanrahan,  
20       Mr. Maggiacomo, Mr. Condit, who are also unindicted  
21       co-conspirators, and that you will deal with those when  
22       you make your Ciampaglia finding at the end of the  
23       evidence but that way we will not be required to object  
24       every time a co-conspirator statement is offered in  
25       order to keep the trial moving, and it's my



1 understanding the Government has no objection to that  
2 process as well, Judge.

3 THE COURT: All right. So is that correct? The  
4 Government has no objection to the timing of the  
5 Defendant's motion?

6 MR. VILKER: That's correct.

7 THE COURT: All right. Very well.

8 Mr. Radhakrishnan, I take it you are joining in  
9 each of these objections that have been set forth by  
10 Mr. Traini?

11 MR. RADHAKRISHNAN: Yes, that's correct, your  
12 Honor. Thank you.

13 MR. TRAINI: Thank you, your Honor.

14 THE COURT: You stated it correctly. I'm going  
15 to allow you to have a continuing objection, a  
16 Petrozziello objection, and there won't be any need to  
17 interrupt any of the testimony on that basis.

18 All right. Then, lastly, before we bring the  
19 jury in, Mr. Radhakrishnan, could you please stand up  
20 with your counsel, your standby counsel.

21 I need to renew my advice to you pursuant to  
22 U.S. versus Faretta, that I think it's in your best  
23 interest to be represented in this case by counsel.  
24 I've gone over this with you many times, both formally  
25 and informally, but I want to renew to you my

1 suggestion that you accept the offer of representation  
2 from the Public Defender's Office that's been extended  
3 to you. Mr. Thompson has been involved in this  
4 proceeding all the way through and is ready to take up  
5 your representation. You understand that I think it is  
6 in your best interest to be represented by counsel?

7 MR. RADHAKRISHNAN: Yes, your Honor, I do.

8 THE COURT: And do I take it from all the things  
9 you've told me up to this point that you're still going  
10 to insist on representing yourself?

11 MR. RADHAKRISHNAN: That is correct, your Honor,  
12 yes.

13 THE COURT: Thank you. I think we're ready to  
14 bring the jury in. Charlie.

15 (Proceedings in the presence of the jury as  
16 follows:)

17 THE COURT: All right. Good morning, ladies and  
18 gentlemen, and welcome.

19 As you know, you're here because today we're  
20 going to begin the trial that you've been impaneled  
21 for, that is the United States versus Joseph Caramadre  
22 and the United States versus Raymour Radhakrishnan.

23 Now, the first thing I'd like to do, I'm going  
24 to do something just a little bit different than the  
25 normal trial. Before I have you sworn in as jurors

1       this morning, I want to ask you, has anybody had any  
2       kind of change in your circumstances, any sort of  
3       significant new situation that has come up or any other  
4       reason that makes you feel that it would be very  
5       difficult or impossible for you to perform your service  
6       as jurors in this case?

7               All right. I'm seeing no hands. All right.  
8       Nobody has anything -- all right. Very good.

9               Then the first order of business, ladies and  
10       gentlemen, is to have you sworn in as the jurors in  
11       this case, so I'm going to ask you all to stand and the  
12       clerk will administer the oath.

13               (Jurors sworn.)

14               THE COURT: All right. Ladies and gentlemen,  
15       let's begin by having counsel identify themselves for  
16       you. I know you recall them from the impanelment  
17       process, and also I'm going to ask them to once again  
18       introduce you to their clients, and then I'm going to  
19       proceed to give you some preliminary instructions.

20               MR. VILKER: Good morning, ladies and gentlemen.  
21       My name is Lee Vilker. I'll be one of two United  
22       States attorneys presenting this case on behalf of the  
23       Government.

24               MR. McADAMS: Good morning, ladies and  
25       gentlemen. My name is John McAdams.

1 MR. TRAINI: Good morning, ladies and gentlemen.  
2 I'm Anthony Traini, and I'm one of the lawyers  
3 representing Mr. Caramadre.

4 MR. LEPIZZERA: Good morning, ladies and  
5 gentlemen. My name is Mr. Lepizzera, and to my right  
6 is Mr. Caramadre.

7 MR. RADHAKRISHNAN: Good morning, ladies and  
8 gentlemen. My name is Raymour Radhakrishnan. I will  
9 be representing myself in this case. Standing next to  
10 me today is Mr. Olin Thompson. He is my  
11 court-appointed standby counsel. He will be helping me  
12 along as this trial progresses.

13 Thank you very much for your time. I really  
14 appreciate it.

15 THE COURT: Thank you, everyone.

16 All right. So ladies and gentlemen, we're going  
17 to begin now. I'm going to give you some preliminary  
18 instructions that will give you at least a start in  
19 guiding you in performance of your role as the jurors  
20 in this case.

21 We're going to be together for a long time. As  
22 you know, this case is going to last several months.  
23 I'm going to give you updates as we go along and let  
24 you know what kind of progress we're making. I have  
25 every intention to use your time efficiently and not

1 let this trial drag on any longer than it has to, and  
2 I'll say a few more things about that in a few minutes.

3 The trial schedule, just so you know, we're  
4 going to try this on what we refer to is a half-day  
5 schedule, but it really is more like three-quarters of  
6 a day. We're going to go two hours, and then take a  
7 break and then we'll go for another two hours. So  
8 we'll try it four trial hours a day. We'll go from  
9 9:00 to 1:30 each day. There'll be a half-hour break,  
10 and during that break you'll be provided with a good,  
11 substantial snack.

12 Now, as a practical matter, it's important that  
13 you use the facilities during that break. And so to  
14 facilitate that, I'm going to allow you to go  
15 downstairs for the break and not in the jury room  
16 across the hall, which is a little cramped. It's also  
17 important you have a snack so that you keep your  
18 attention up and maybe some coffee or whatever beverage  
19 you prefer.

20 So let me begin by giving you some preliminary  
21 instructions. So now that you've been sworn, I need to  
22 tell you what your job is. Your job is to find from  
23 the evidence that is presented in this case what the  
24 facts of the case are. You, and you alone, are going  
25 to be the judges of the facts, and you will then have

1 to apply those facts to the law as I give it to you at  
2 the close of the case. Now, you must follow the law  
3 whether you agree with it or not. Nothing I may say  
4 during the course of this trial is intended to indicate  
5 to you, nor should be taken by you, to indicate what I  
6 think the facts of this case are. That is solely your  
7 job as the jury in this case.

8 Now, the evidence from which you'll find the  
9 facts will consist of the following things: The  
10 testimony of witnesses who will be testifying;  
11 documents and other items of evidence that will be  
12 introduced during the course of the trial; and any  
13 facts that the lawyers agree to or what we refer to as  
14 stipulate, stipulation with respect to a particular  
15 fact; and finally, any fact that I instruct you to find  
16 as a fact.

17 Now, certain things are not evidence and they  
18 must not be considered by you, and I'm going to list  
19 those to you now. Statements, arguments and questions  
20 by the lawyers in this case are not evidence. And in  
21 that regard, I need to make a special mention of the  
22 fact that Mr. Radhakrishnan, who has chosen to  
23 represent himself in this case as a Defendant, you must  
24 understand as I told you during the impanelment process  
25 that any statements, arguments that he makes during the

1 course of the trial is not testimonial. It is not  
2 evidence. He is -- when acting as his own attorney,  
3 his statements are like the statements of any other  
4 attorney, that is, they are not evidence. Okay? And  
5 all of you need to make sure you understand and keep in  
6 mind the fact that anything that Mr. Radhakrishnan says  
7 in the course of questioning or arguing or giving an  
8 opening statement or closing arguments, whatever the  
9 case may be, is not evidence.

10 Now, secondly, objections to questions by the  
11 lawyers in this case are not evidence. Now, attorneys  
12 have an obligation to their clients to make objections  
13 when they believe evidence that is offered does not  
14 comply with the Federal Rules of Evidence. You should  
15 not be influenced by any such objection nor by my  
16 ruling on the objection.

17 If I sustain the objection, then you should  
18 simply ignore the question. If I overrule the  
19 objection, then you should treat the question and the  
20 answer to the question just as you would any other  
21 answer to any other question. And if you're instructed  
22 at any point that some item of evidence is received for  
23 a limited purpose only, then you must follow that  
24 instruction.

25 Thirdly, any testimony that I've excluded or

1 I've told you to disregard during the course of the  
2 trial is not evidence and must not be considered by  
3 you.

4 And finally, anything that you may have heard or  
5 seen outside of the courtroom from any source  
6 whatsoever is not evidence and must be disregarded.

7 You are to decide this case solely on the  
8 evidence that is presented here in this courtroom  
9 during this trial.

10 Now, there are two kinds of evidence. There is  
11 direct evidence, and there is circumstantial evidence.

12 Direct evidence is the direct proof of a  
13 particular fact, such as a witness who comes forward  
14 and testifies that he or she saw something happen.

15 And then there's circumstantial evidence.  
16 Circumstantial evidence is the proof of certain facts  
17 from which you can infer or conclude that another fact  
18 is true. That sounds kind of complicated but it really  
19 isn't. Let me give you a very simple example. Let's  
20 say you get up in the morning, you look out the window  
21 and everything you see outside your house is wet, the  
22 car is wet and the streets and grass, but it's bright  
23 and sunny outside. Now, you can infer from what you're  
24 observing that it rained overnight. You didn't see it  
25 rain so you don't have direct evidence of the fact that



1       it rained, but you have circumstantial evidence; that  
2       is, you can see certain things from which you can infer  
3       that another fact is true. That is that it rained  
4       overnight.

5               That's all circumstantial evidence is. Now,  
6       obviously, not all examples of circumstantial evidence  
7       are as simple as that example that I gave you but that  
8       gives you an idea of what the difference is between  
9       direct evidence and circumstantial evidence. Just keep  
10      in mind that the law makes no distinction between  
11      direct evidence and circumstantial evidence, and you  
12      may consider both kinds of evidence in determining what  
13      the facts of this case are.

14             At the end of the trial, it will be up to you to  
15      decide which witnesses to believe, which witness not to  
16      believe, how much of any witness's testimony to accept  
17      or to reject. And I'll try to give you some guidelines  
18      that assist you with that at the end of the trial in  
19      determining the credibility of witnesses, which is one  
20      of the primary responsibilities of the jury.

21             Now, there are certain rules that apply in a  
22      criminal case such as this. And these are very  
23      important rules. I've gone over them with you at the  
24      impanelment process and you've observed them in the  
25      questionnaire that you filled out, but I want to cover

1       them with you now because they are so important.

2               So first of all, defendants in a criminal case  
3       are presumed to be innocent until proven guilty. The  
4       indictment brought against the defendants in any  
5       criminal case, including this case, is brought by the  
6       Government only as an accusation and it is nothing  
7       more. The indictment is not proof of guilt, nor is it  
8       proof of anything else. It simply gets the case  
9       started and brings it before you for a determination.  
10       Therefore, defendants in a criminal case start out with  
11       a completely clean slate.

12               Now, second, the burden of proof in a criminal  
13       trial is upon the Government until the very end of the  
14       case. A defendant has no burden to prove his  
15       innocence, nor to present any testimony or any evidence  
16       of any kind, including his own testimony.

17               Since a defendant has a right to not testify and  
18       to remain silent, you are prohibited from arriving at  
19       your verdict by considering the fact a defendant may  
20       not have testified. Now, I don't know whether the  
21       Defendants in this case intend to testify or not, but  
22       what I do know is that you must not be influenced by  
23       the fact that they, if they do, exercise their right to  
24       remain silent and not testify.

25               Now, thirdly, the Government must prove a

1 defendant's guilt by a standard of what we call beyond  
2 a reasonable doubt. I'm going to give you some further  
3 instructions at the end of the case to assist you with  
4 the meaning of the term "reasonable doubt," but suffice  
5 it to say at this point that you all know what "doubt"  
6 is. You have some sense as jurors what the term  
7 "reasonable" means. Bear in mind, and this is  
8 important, that in this respect a criminal case is  
9 different from a civil case.

10 Now I want to go over with you a short summary  
11 of the charges in this case. Now, in this case, the  
12 indictment, which I mentioned to you, has no  
13 significance other than it begins the case and brings  
14 it before you. The charges allege that Defendant  
15 Joseph Caramadre, later joined by Defendant Raymour  
16 Radhakrishnan, devised and executed a scheme, and  
17 conspired to do this, to obtain money from insurance  
18 companies and corporate bond issuers by making material  
19 misrepresentations and omissions to various parties.  
20 These parties include, one, terminally ill people and  
21 their family members in order to obtain their identity  
22 information for use in furtherance of the scheme; two,  
23 various intermediaries, including retail brokerage  
24 houses and registered broker/dealer firms; and three,  
25 the insurance companies themselves.

1           Now, the indictment further alleges that  
2           Mr. Caramadre and Mr. Radhakrishnan used the identity  
3           information of terminally ill people in furtherance of  
4           the scheme without their consent. The indictment also  
5           alleges that the Defendants engaged in financial  
6           transactions over \$10,000 using the proceeds of the  
7           fraud.

8           Mr. Caramadre is also charged with one count of  
9           witness tampering. Mr. Caramadre is a licensed  
10          attorney and certified public accountant.  
11          Mr. Caramadre specializes in insurance products and was  
12          a licensed insurance producer from the early 1990's  
13          until approximately 2003. Mr. Caramadre operated  
14          through an entity called Estate Planning Resources,  
15          which I may refer to as EPR. Mr. Radhakrishnan was an  
16          employee of EPR hired by Mr. Caramadre in 2007.

17          The indictment alleges that the Defendants  
18          executed a fraudulent scheme to exploit death benefits  
19          available on two types of financial products, variable  
20          annuities and death-put bonds.

21          The indictment alleges that Mr. Caramadre and  
22          Mr. Radhakrishnan obtained the identity information of  
23          a number of terminally ill people by deceiving them and  
24          their families through misrepresentation and material  
25          omissions. These alleged misrepresentations took

1 various forms. The indictment alleges that as early as  
2 1995, Mr. Caramadre used terminally ill individuals as  
3 annuitants without their consent.

4 In the fall of 2007, Mr. Caramadre and  
5 Mr. Radhakrishnan placed an advertisement in the  
6 Providence Catholic newspaper offering a \$2,000 gift to  
7 terminally ill people. The indictment alleges that  
8 when Mr. Radhakrishnan met with respondents to the ad,  
9 he made numerous misrepresentations and material  
10 omissions regarding the investment program in order to  
11 induce them to provide their identity information and  
12 to execute investment documents.

13 Now, in addition, the indictment alleges that  
14 Mr. Caramadre and Mr. Radhakrishnan made numerous  
15 misrepresentations to broker/dealers, brokerage houses,  
16 insurance companies in order to execute their scheme.  
17 These include false information regarding the  
18 terminally ill people's finances, investment  
19 backgrounds and contact information.

20 The indictment also alleges that the Defendants  
21 lied to the companies about the relationship between  
22 themselves and the terminally ill people. In addition,  
23 the indictment alleges Mr. Caramadre and  
24 Mr. Radhakrishnan and others as nominees or straws  
25 invested in their names in order to conceal from the

1 companies his actual interest.

2 With that overview, let me go through the  
3 specific details with respect to the 66 counts in the  
4 indictment. So the indictment contains 66 separate  
5 counts. Mr. Caramadre is charged in all 66 counts.  
6 Mr. Radhakrishnan is charged in 61 of the counts. And  
7 the breakdown is as follows: Counts 1 through 26, both  
8 Defendants are charged with 26 counts of wire fraud;  
9 that is, causing material to be sent in interstate  
10 commerce by means of wire communication in furtherance  
11 of the alleged fraudulent scheme. Counts 27 through  
12 32, Mr. Caramadre is also charged with six counts of  
13 mail fraud; that is, causing the mails to be used in  
14 furtherance of the alleged fraudulent scheme.

15 Mr. Radhakrishnan is charged with three counts,  
16 three of those same counts of mail fraud, Counts 28, 29  
17 and 31.

18 Count 33, both of the Defendants are charged in  
19 Count 33 with one count of conspiracy to commit  
20 offenses against the United States; to wit, mail fraud,  
21 wire fraud, identity theft and aggravated identity  
22 theft. Counts 34 through 59, Mr. Caramadre is charged  
23 with 26 counts of identity theft. Mr. Radhakrishnan is  
24 charged with 25 of those same counts, Counts 35 through  
25 59.

1           Counts 60 through 64, both Mr. Caramadre and  
2           Mr. Radhakrishnan are each charged with five counts of  
3           aggravated identity theft.

4           Count 65, both Defendants are charged with one  
5           count of engaging in a monetary transaction derived  
6           from specified unlawful activity, also referred to as  
7           money laundering.

8           And Count 66, in this count Mr. Caramadre is  
9           charged with one count of witness tampering, and  
10          Mr. Radhakrishnan is not charged in that count.

11          Now, I know that's a lot to absorb, ladies and  
12          gentlemen; and I do want to tell you that we're going  
13          to be doing everything possible to help you keep all of  
14          this organized, both beginning with opening statements  
15          and then throughout the trial, but ultimately with the  
16          verdict form that you're given to fill out at the end  
17          of the case will break each of these charges down and  
18          you'll be asked to render a verdict of either guilty or  
19          not guilty as to each of those counts.

20          Now, let me give you a few comments about your  
21          conduct as jurors in this case and then some final  
22          comments about how we're going to proceed.

23          First of all, you've heard me give you some  
24          instructions up to this date. I'm going to reiterate  
25          them to you now. The first one is that during the

1 course of the trial, and this is going to be a long  
2 trial, as you know, you are not to discuss this case  
3 with anyone or permit anyone to discuss it with you.  
4 Now, until you retire to the jury room at the end of  
5 the case to deliberate on a verdict, you are not to  
6 have any discussions or talk to anyone about the case,  
7 and that includes discussions among yourselves.

8 Now, this is going to be difficult for you, and  
9 I fully recognize that. It's going to be difficult for  
10 you to not have discussions among yourselves as the  
11 trial is going on especially where it's going to go on  
12 for such a long period of time, and it's going to be  
13 difficult for you to exercise the discipline not to  
14 discuss the case with your family and your friends,  
15 your co-workers, whatever the case may be.

16 You heard me say this during impanelment and I  
17 want to reiterate it to you, the best way to deal with  
18 this outside of the courthouse is just not to let those  
19 conversations get started.

20 Now, in a minute, I'm going to tell you there's  
21 going to be some media coverage of this case. I think  
22 you already know that. We've talked about, and you no  
23 doubt have seen at least the fact that there's been  
24 some media coverage, and I trust you've obeyed my  
25 instructions and haven't watched or listened to or read



1 anything about this case. But your family and your  
2 co-workers and your friends and others probably have,  
3 and they may be curious about the fact that you're  
4 serving on this jury.

5 So once again, I just emphasize to you how  
6 important it is not to let yourself have those  
7 conversations about the case. Don't let them get  
8 started, especially during these first early days when  
9 there might be more substantial media coverage. I'm  
10 hoping that we can bore the media to death within a  
11 week or two and that will dissipate.

12 All right. So you've heard me say it before,  
13 and I'll reiterate it to you. You are to continue to  
14 obey the instruction not to have any exposure to  
15 anything in the media about this case. Finally, you're  
16 not to do any research of any kind about anything  
17 relating to the case, any kind of research,  
18 particularly computer research, but any kind of  
19 research about anything. You're to decide this case  
20 only on the basis of the evidence that is presented  
21 here in this courtroom.

22 And finally, you are not to form any opinion  
23 about the outcome of the case until all the evidence is  
24 in. Keep an open mind until you start your  
25 deliberations in this case. And that, too, is going to

1 take some extra effort on your part where the trial is  
2 going to go on for such a long time.

3 Now, I have a few more instructions I need to  
4 give you. First, I need to remind you, as I've told  
5 you before, that Mr. Radhakrishnan has decided to  
6 represent himself in this case. And as I told you  
7 during the impanelment process, you're not to have any  
8 extra sympathy for him because he's not using an  
9 attorney, nor are you to hold it against him because  
10 he's not using an attorney, nor are you to let that  
11 influence you in any way with respect to the  
12 co-Defendant, Mr. Caramadre.

13 Also, you should understand that I've told  
14 Mr. Radhakrishnan that he may exercise his right to  
15 utilize counsel at any time during the course of the  
16 trial. So if he changes his mind, Mr. Thompson, who is  
17 here as his standby counsel, may undertake his  
18 representation if he chooses to do that. Either way  
19 it's his constitutional right, and you should simply  
20 accept that.

21 Now, I told you before with respect to  
22 Mr. Radhakrishnan's statements that they are not  
23 evidence unless and until he testifies under oath.  
24 Then what he says is evidence. I remind you of that.

25 Now, I am giving you notepads and pens and

1 pencils, and I do want to say a couple of things about  
2 note-taking. We provide these to you as a convenience.  
3 Jurors sometimes like to take notes; some jurors don't  
4 like to take notes. There's no obligation to take  
5 notes. You can rest assured that your notes will be  
6 kept confidential, private. At the end of the day we  
7 collect them. We hold them in a safe downstairs and  
8 then we return them to you when trial starts the next  
9 day. You can't take your notebooks home with you. At  
10 the end of the trial, we destroy your notes. Nobody  
11 reads your notes. They're for you only and to assist  
12 you as the trial goes on and to assist you in the  
13 deliberation process.

14 Just keep in mind if you are a note-taker that  
15 you should not let note-taking distract you from  
16 listening to what's going on with the witness on the  
17 stand. Okay?

18 Now, during the course of the trial, from time  
19 to time I'm going to give you some instructions to go  
20 along with what I've already told you to help you  
21 understand what's happening or if a particular type of  
22 evidence is to be understood or to be used only for  
23 certain purposes and not for others, I just want to  
24 tell you that that -- I will attempt to do that as the  
25 trial goes along to make your job easier.

1           The attorneys will probably agree to certain  
2 things. We call those stipulations. From time to time  
3 during the course of the trial, a stipulation will be  
4 given to you either by counsel or I'll read it to you.  
5 And as I told you at the beginning, stipulations are to  
6 be taken by you as a fact.

7           Occasionally, I need to talk to the lawyers at  
8 what we call the side bar up here at the side. I've  
9 told counsel I want to keep those to the absolute  
10 minimum. I don't want to waste your time. We're going  
11 to do our best to do that, but please understand there  
12 may be situations where I do need to talk to counsel at  
13 side bar. We'll play pleasant music for you when that  
14 happens, and we'll keep it as short as possible.

15           Now, finally, as I indicated to you, I think,  
16 the Defendant, of course, has no obligation to testify  
17 -- neither Defendant has an obligation to testify or  
18 to present any evidence or to really do anything in a  
19 criminal trial. We've done a lot of work to get ready  
20 to present this case to you. I'm informed by counsel  
21 for Mr. Caramadre and also by Mr. Radhakrishnan that  
22 the Defendants in this case will not be giving an  
23 opening statement. They will be what we call  
24 reserving. That means that they're going to reserve  
25 their opening statement for when the Government has

1 finished the presentation of its case. This is a  
2 perfectly normal thing to do it and it's their right,  
3 and I wanted to let you know that they would not be  
4 giving an opening statement at the beginning, but  
5 waiting for the Government to finish the presentation  
6 of its case.

7 So we're ready to proceed with the trial. The  
8 order of trial is as follows: The Government will make  
9 an opening statement. I remind you that opening  
10 statements are not evidence. It's simply an outline by  
11 the Government of what the Government expects to prove  
12 in this case.

13 As I've told you, the Defendants will not be  
14 making an opening statement, and then we will proceed  
15 to the presentation of the evidence.

16 The first evidence testimony in this case will  
17 be presented by a video deposition and that will last  
18 about two-and-a-half hours. So I expect that today's  
19 presentation will be the Government's opening statement  
20 and then the video deposition and that will probably  
21 take up the whole day.

22 Okay? So with that, ladies and gentlemen, I'm  
23 going to ask Mr. Vilker if he's ready to give his  
24 opening statement.

25 MR. VILKER: Thank you, your Honor.

1           The COURT: Before you begin, I understand  
2           there's one exhibit that's going to be used during your  
3           opening statement. Is that agreeable to the Defendant?

4           MR. LEPIZZERA: No objection, your Honor.

5           MR. RADHAKRISHNAN: No objection, your Honor.  
6           Thank you.

7           THE COURT: Go ahead, Mr. Vilker.

8           MR. VILKER: Thank you, your Honor.

9           Good morning, ladies and gentlemen. This is  
10          going to be a long trial, unfortunately; and you're  
11          going to hear some painful, emotional testimony  
12          involving people who suffer from terminal illnesses  
13          including many of whom who have since passed away.

14          You're also going to hear testimony about some  
15          fairly complex financial products. But fundamentally,  
16          this case is going to boil down to an essential  
17          question, did the Defendants, Joseph Caramadre and  
18          Raymour Radhakrishnan, simply exploit a loophole they  
19          discovered or did they commit fraud? It's going to be  
20          your job to sort through your emotions, put them aside  
21          and examine the evidence that answers that key  
22          question. And the evidence will show you that these  
23          Defendants committed frauds because it is not a  
24          loophole if you have to lie to get through it.

25          Now, as I mentioned, this case involves some

1 very painful subject matter. It involves large numbers  
2 of people who are or were terminally ill, most of whom  
3 have already passed away after struggling with  
4 devastating illnesses like cancer, Lou Gehrig's disease  
5 and heart disease. You'll hear from one of those  
6 people who is still alive today whose identity  
7 information was used by the Defendants. You'll see  
8 videotaped testimony of some of these people who have  
9 since passed on, their videotaped depositions being the  
10 last words they could convey on this matter.

11 You'll hear from dedicated nurses and hospice  
12 social workers whose job it is to take care of these  
13 people. And you'll hear from many family members of  
14 the terminally ill individuals who have since passed  
15 away.

16 Now, you'll be hearing this testimony because of  
17 the scheme that was orchestrated by the Defendants in  
18 this case, Joseph Caramadre and Raymour Radhakrishnan.  
19 You'll hear that Mr. Caramadre is a lawyer from  
20 Cranston, a certified public accountant and a former  
21 insurance agent, by all accounts a very intelligent  
22 individual.

23 You'll hear, as Judge Smith noted for you, that  
24 he ran a business called Estate Planning Resources.

25 You'll hear that beginning in the mid-1990's

1 Mr. Caramadre developed an investment strategy that  
2 depended on the use of terminally ill individuals. On  
3 his own behalf and on the behalf of investors, friends  
4 and family members, Mr. Caramadre began to purchase  
5 from insurance companies products called variable  
6 annuities.

7 He discovered that these annuities offered  
8 highly valuable death benefits upon the death of the  
9 person identified in the contract as the annuitant.  
10 These benefits included a guaranteed return of all  
11 money that was invested, plus a guaranteed profit even  
12 if the market went down, and various other kinds of  
13 bonuses and enhancements.

14 None of these financial benefits, however, would  
15 arrive unless one very important event took place. The  
16 person Mr. Caramadre identified as the annuitant in the  
17 annuity contract had to die and had to die quickly.

18 Now, as time went on, you'll hear that  
19 Mr. Caramadre discovered another financial product that  
20 produced tremendous profits upon the death of an  
21 individual, these so-called death-put bonds. These  
22 were corporate bonds issued by companies like General  
23 Motors, Ford and Bank of America.

24 Now, normally, when you buy a bond, you have to  
25 wait years or decades for the bond to mature before



1       you're able to redeem it at full value. But  
2       Mr. Caramadre discovered that with these death-put  
3       bonds if two people owned a bond together and one of  
4       them were to pass away, the other could immediately  
5       redeem the bond at full value. Again, this strategy,  
6       which Mr. Caramadre used to make millions of dollars  
7       within a short period of time could only succeed if he  
8       found someone who was about to die and was about to die  
9       quickly.

10               Now, I know this all sounds a bit complicated  
11       when you first hear about these bonds and annuities.  
12       You shouldn't be concerned now if you don't completely  
13       understand them. We know it will take some time, and  
14       you'll hear plenty of testimony about them as the trial  
15       proceeds.

16               What is important to understand now is that both  
17       of these investment strategies depended entirely on  
18       finding people who were about to die. Once that was  
19       done, the sooner that person would die, the more money  
20       Mr. Caramadre, his family, his friends, his investors  
21       would make. And you'll hear that Mr. Caramadre and his  
22       associates made more than \$30 million this way, causing  
23       millions upon millions of dollars in losses to the  
24       companies involved.

25               Now, you'll hear from numerous witnesses that

1 Mr. Caramadre has repeatedly bragged to his investors  
2 and others people that he found a loophole in the  
3 system. The loophole Mr. Caramadre claimed to have  
4 found was that neither the insurance companies nor the  
5 bond issuers asked if the individual involved was  
6 terminally ill. You'll hear that Mr. Caramadre has  
7 claimed that since these companies didn't ask whether  
8 the person was terminally ill, there was nothing  
9 illegal about submitting annuity applications or  
10 purchasing bonds using the Social Security numbers,  
11 names, and dates of birth of people who were terminally  
12 ill.

13 Now, I want to stop here and emphasize this  
14 important point to you. The indictment does not  
15 contend that it is illegal for a terminally ill person  
16 to be the annuitant on an annuity. The insurance  
17 companies wrote the annuity contracts and the bond  
18 issuers set the terms of the bonds. If they wanted to  
19 make sure that terminally ill people wouldn't be used,  
20 they could have written that into their contracts. So  
21 it is simply not illegal to use terminally ill people  
22 on annuities or bonds.

23 In fact, even though it may be very  
24 uncomfortable or troubling for you individually,  
25 there's nothing per se illegal about profiting from

1 another person's death. But that is not what this case  
2 is about. What is illegal is how the Defendants went  
3 about orchestrating this scheme because, as I said  
4 earlier, it is not a loophole if you have to lie to get  
5 through it.

6 In this case, the evidence will show that the  
7 Defendants did the following. They repeatedly lied and  
8 deceived terminally ill people in order to get them to  
9 serve as annuitants or to open brokerage accounts in  
10 their names. They forged the signatures of some of the  
11 terminally ill people on application forms. They had  
12 terminally ill people sign blank signature pages  
13 without explaining to them what it was that they were  
14 signing. They told the terminally ill people that they  
15 were just giving them a charitable gift intentionally  
16 withholding and concealing from them that they were  
17 using their identify information for their own profit.

18 They lied to the companies about the terminally  
19 ill people's financial resources and investment  
20 backgrounds, and they repeatedly lied to the companies  
21 when they were asked direct questions about the  
22 accounts that were being opened.

23 If Joseph Caramadre and Raymour Radhakrishnan  
24 hadn't lied and deceived terminally ill people, if they  
25 hadn't lied over and over again to the companies

1 involved, then they would have simply exploited a  
2 loophole and we wouldn't be here. But it's not a  
3 loophole if you have to lie to get through it, and the  
4 evidence will show that's exactly what the Defendants  
5 did.

6 Now, as I mentioned before, none of these  
7 millions of dollars could have been made without a  
8 continuous supply of people who are about to die. How  
9 do you go about finding so many terminally ill  
10 individuals?

11 You will hear that some of the terminally ill  
12 people Mr. Caramadre found were relatives or somehow  
13 connected to the Caramadre family. But as you can  
14 imagine, there weren't enough of these people to go  
15 around. So Mr. Caramadre had to find another way to  
16 recruit more terminally ill people.

17 In the mid-1990's, Mr. Caramadre began to reach  
18 out to total strangers on their death beds in order to  
19 get their Social Security numbers so that he could use  
20 their names on annuities. You'll hear that one of the  
21 first times Mr. Caramadre did this was with a woman  
22 named Debra Blowers, who was terminally ill.

23 You'll hear that without having ever met Debra  
24 Blowers or her husband, Kenneth, Mr. Caramadre called  
25 the Blowers' home and told Kenneth that he was able to

1 secure some small life insurance policies on Debra's  
2 life even though she was terminally ill.

3 Kenneth agreed to do so, and two very small life  
4 insurance policies were, in fact, obtained on Debra's  
5 life. What neither Debra nor Kenneth knew, however,  
6 was that Mr. Caramadre also used Debra's Social  
7 Security number to open up four different annuities in  
8 Debra's name so that he could make commissions and his  
9 investors would be able to obtain death benefits when  
10 Debra passed away, which unfortunately she did a few  
11 months later.

12 Now, in the mid-1990's, you will hear that  
13 Mr. Caramadre had another idea of how he could find  
14 people who were about to die. You'll hear that  
15 Mr. Caramadre visited a house of compassion in  
16 Cumberland, Rhode Island that took care of people that  
17 were dying from AIDS. You'll hear that Mr. Caramadre  
18 proceeded to use the identities of these AIDS patients  
19 on annuities he submitted in the mid- to late 1990's.  
20 That steady supply of terminally ill people, however,  
21 ran out when progress was made in the treatment of  
22 AIDS.

23 You will hear that it became clear to  
24 Mr. Caramadre that he had to find another way to locate  
25 terminally ill individuals.

1           One of the terminally ill people Mr. Caramadre  
2 then found was a man named Alfred LaMonte, who was  
3 connected to the Caramadre family. In fact, Alfred was  
4 the father of Mr. Caramadre's own brother-in-law, James  
5 LaMonte. You'll hear that when Alfred LaMonte became  
6 terminally ill in 2004, Mr. Caramadre invested more  
7 than \$3 million in annuities in Alfred's name making  
8 commissions and substantial profits when Alfred passed  
9 away.

10           Mr. Caramadre's own brother-in-law, James  
11 LaMonte, is expected to testify before you that  
12 Mr. Caramadre never said anything to him or to his  
13 father about taking out any kind of annuities in his  
14 father's name or making any kind of commissions or  
15 profit upon his father's death.

16           Now, you'll hear that as time goes on, by 2007,  
17 Mr. Caramadre was running into a lot of problems  
18 finding people who were terminally ill. Two of the  
19 three terminally ill people he had at that time had  
20 passed away, and Mr. Caramadre was left with only one  
21 terminally ill person at his disposal. On top of that,  
22 you'll hear that he lined up a number of wealthy and  
23 prominent investors who stood ready to pour millions of  
24 dollars into these annuities and bonds, but none of  
25 this would work, no money could be made unless

1 Mr. Caramadre was able to locate and sign up many  
2 people who were at death's door.

3 It was then Mr. Caramadre made a monumental  
4 decision in an effort to find terminally ill people  
5 throughout Rhode Island that he could use on his  
6 investments.

7 In the fall of 2007, Mr. Caramadre placed an  
8 advertisement in the local Catholic paper called the  
9 Rhode Island Catholic, used to be known as the  
10 Providence Visitor. The ad and the subsequent versions  
11 of the ad ran until the end of 2008. Hopefully, the ad  
12 should appear on the screens before you.

13 Now, as you can see, this ad provides that there  
14 was a compassionate organization that would immediately  
15 give \$2,000 in cash to terminally ill individuals. All  
16 that was required to receive this \$2,000 was that the  
17 individual be between 19 and 96 years old with a  
18 terminal illness and a life expectancy of less than  
19 three months.

20 As you can also see, this ad says nothing about  
21 any of the terminally ill individuals being asked to  
22 open any annuities or bonds, nor does it say anything  
23 that would in any way suggest that the man behind the  
24 ad, Joseph Caramadre, stood to make substantial profits  
25 from the deaths of the people who responded to it.

1           The evidence will be clear that Joseph Caramadre  
2           thought that offering \$2,000 would give him immediately  
3           access to terminally ill people and that he could use  
4           that access to make millions of dollars for himself and  
5           his investors by opening annuities and bonds in their  
6           names.

7           He was right. Dozens upon dozens of people saw  
8           this ad and called the number on it. These were either  
9           people who were very sick themselves or family members  
10          of people who were about to die.

11          In addition to enduring all the physical and  
12          emotional pain that these end-of-life situations cause,  
13          these people were also under tremendous financial  
14          strain, having left their jobs to take care of their  
15          loved ones or gone bankrupt paying their never-ending  
16          medical bills. You will hear that these people saw  
17          this ad in the Catholic paper and thought it was a  
18          God-send, that some benevolent individual perhaps  
19          associated with the Catholic Church was out there  
20          trying to help them. They had no idea that that  
21          individual was Joseph Caramadre or that Joseph  
22          Caramadre stood to make substantial profits off of  
23          their deaths.

24          And that is where Defendant, Raymour  
25          Radhadrishnan comes in. You'll hear that



1 Mr. Radhakrishnan became an employee of Mr. Caramadre  
2 at Estate Planning Resources in the summer of 2007.  
3 Fresh out of college with no securities or insurance  
4 training whatsoever, Mr. Radhakrishnan was given by  
5 Mr. Caramadre the job of meeting with the terminally  
6 ill people who responded to the ad and getting them to  
7 sign the account opening documents.

8 You'll hear that Mr. Caramadre and  
9 Mr. Radhakrishnan intentionally decided that they would  
10 not take even the most basic steps that could have  
11 ensured that the terminally ill people understood what  
12 they were signing, such as giving the terminally ill  
13 people copies of the documents they signed or giving  
14 them some time with the documents before signing them,  
15 simple steps that would have given the terminally ill  
16 people and their families an opportunity to review the  
17 documents or perhaps ask an attorney or someone they  
18 trusted for assistance.

19 You will hear that Mr. Radhakrishnan would  
20 generally have one or two meetings with each terminally  
21 ill person. You will hear that Mr. Radhakrishnan  
22 typically began the meeting by speaking of the great  
23 charitable work being performed by Mr. Caramadre by the  
24 Catholic Church and that Mr. Caramadre was doing all  
25 this because he really wanted to help people who were

1 terminally ill.

2 Mr. Radhakrishnan would then often give a \$2,000  
3 check that he would describe as a gift. Then after the  
4 check was given, Mr. Radhakrishnan would say that there  
5 was a chance that Mr. Caramadre would give them even  
6 more money, this time in the amount of three to four  
7 thousand dollars. If that person appeared willing to  
8 proceed further in that initial meeting,  
9 Mr. Radhakrishnan would pull up signature pages for  
10 them to sign and give them an additional check either  
11 on that date or a later date.

12 On other occasions you will hear  
13 Mr. Radhakrishnan and Mr. Caramadre would wait some  
14 time after the first meeting and call back the family  
15 to set up a second meeting. In either scenario, you  
16 will hear that Mr. Radhakrishnan's goals were always  
17 the same, to get the terminally ill people to give him  
18 their Social Security numbers and dates of birth and  
19 get them to sign the blank signature pages he put in  
20 front of them.

21 The evidence will show that when  
22 Mr. Radhakrishnan determined that the time was right to  
23 ask for signatures, he would present these people with  
24 blank signature pages and point to the places where  
25 they were to sign their names. These people will tell

1       you that it is like what happens when you buy a house  
2       and they're given a stack of papers to sign, that they  
3       were just told to sign here and sign there, having no  
4       idea what it was that they were actually signing.

5               The evidence will show that Mr. Radhakrishnan  
6       would say whatever he needed to say to get these people  
7       to put their signatures on these application forms.  
8       What Mr. Radhakrishnan said to these dying people lies  
9       at the heart of the case. Did he truly get their  
10      consent by explaining to them that an account or an  
11      annuity would be opened in their name that would allow  
12      Mr. Caramadre and others to reap substantial benefits  
13      from their deaths?

14             You will hear their testimony. You will see the  
15      documents they signed, and you will be asked was this a  
16      loophole or were these lies.

17             You will hear that these people, many of whom  
18      were literally days or weeks from passing away, were  
19      never told that their names, Social Security numbers  
20      and dates of birth would be listed on annuities and  
21      brokerage accounts, that some stranger had figured out  
22      a way to profit from their deaths. If they had been  
23      informed of this crucial fact and made a decision to  
24      proceed, that would have been their choice and they  
25      wouldn't be victims of identity theft. But you will

1 hear from witness after witness who will explain that  
2 that is not what happened, that these dying people were  
3 never made aware that the papers they were signing  
4 would be used by the Defendant to make money off of  
5 their deaths.

6 You will hear all kinds of different stories  
7 that Mr. Radhakrishnan told these people to get them to  
8 sign the account opening pages. Many of these  
9 individuals will testify that they had absolutely no  
10 idea whatsoever that any kind of account was going to  
11 be opened in their names or in the names of their loved  
12 ones, that they were told that the pages that they were  
13 to sign were just needed for Mr. Caramadre's own  
14 records, just a receipt to document that that \$2,000  
15 check had been given.

16 They will tell you that they were presented with  
17 blank signature pages and told to sign here and sign  
18 there to get the money they believed was just charity.

19 One of these witnesses will be a man named  
20 Eulogio Gonzalez, who's 44-year-old wife, Sonya, was  
21 dying of breast cancer and was hospitalized at Women  
22 and Infants Hospital here in Providence.

23 Mr. Gonzalez will testify that he was staying  
24 with his wife in the hospital room around the clock  
25 during the final few weeks of her life. He will

1       testify that one day Raymour Radhakrishnan simply  
2       showed up at the hospital room and gave him and his  
3       wife a check, saying that it was just charity.

4               Mr. Gonzalez thought that Mr. Radhakrishnan was  
5       somehow affiliated with the hospital and that the money  
6       he received was a gift. Mr. Radhakrishnan, you'll  
7       hear, never mentioned a word about opening any kind of  
8       an account in Eulogio Gonzalez or his wife, Sonya's,  
9       name or that Joseph Caramadre or anyone else stood to  
10      profit off of his wife's death.

11             Other people will explain that Radhakrishnan did  
12      mention something about some kind of account being  
13      opened but told them that any money that was going to  
14      be made on the account would go to their surviving  
15      family members, not to Joseph Caramadre or his  
16      investors.

17             You'll hear, for example, from one woman who  
18      lost her husband to cancer in 2008. She will tell you  
19      that Mr. Radhakrishnan did tell her that an account was  
20      going to be opened in her dying husband's name, but  
21      that it would be a bank account in which \$5,000 would  
22      be deposited that that woman could use for anything she  
23      may need. Radhakrishnan hid from this woman and many  
24      others the truth, that this account would not be for  
25      the benefit of the terminally ill individuals and their

1 families, it would be for the benefit of Joseph  
2 Caramadre and his associates so they could profit off  
3 the deaths of the terminally ill.

4 Other family members will tell you about a  
5 different lie that Mr. Radhakrishnan told them to get  
6 them to sign the account opening documents, that  
7 Mr. Radhakrishnan told them that an account would be  
8 opened but that the profits from that account would go  
9 to help other people who were terminally ill.  
10 Believing that they were doing a positive thing, kind  
11 of paying it forward by helping other people struggling  
12 with terminal illnesses, these people signed where  
13 Mr. Radhakrishnan told them to sign never for a moment  
14 thinking that Joseph Caramadre or his investors stood  
15 to make substantial profits off of their deaths.

16 One of these witnesses that you'll hear from is  
17 a woman named Sandra Cazeault, whose 42-year-old  
18 husband, Robert, was dying from brain cancer in 2008.  
19 Sandra Cazeault will testify that Mr. Radhakrishnan  
20 told her and her late husband that an account would be  
21 set up in her husband's name but that the money in that  
22 account would go to a special fund that was set up to  
23 help other young people struggling from terminal  
24 illnesses.

25 Mr. Radhakrishnan intentionally hid the truth

1 from Robert and Sandra Cazeault that the overwhelming  
2 majority of the money to be made off of her husband's  
3 death would go to line the pockets of Joe Caramadre.

4 You'll hear from some witnesses that  
5 Mr. Radhakrishnan occasionally threw out the word  
6 "annuity" but never gave any explanation of what an  
7 annuity was.

8 You'll also hear that on occasion  
9 Mr. Radhakrishnan would say that there was some kind of  
10 tax shelter involved.

11 The bottom line with all of these terminally ill  
12 witnesses and their families is this: They were never  
13 informed of the crucial fact in this case, that other  
14 people stood to make money off of their deaths or the  
15 deaths of their loved ones.

16 You will hear that although some of the terms of  
17 these annuities and bonds are a bit complicated, the  
18 Defendants chose not to even provide the most  
19 rudimentary explanation of what was occurring, that  
20 investments were being purchased so that someone else  
21 could make some money when the terminally ill person  
22 died.

23 You will hear that rather than tell these people  
24 this fundamental truth, Defendants chose to lie and to  
25 mislead them. They chose to conceal from them that

1 they were being asked to provide their names, dates of  
2 birth and Social Security numbers so that someone they  
3 didn't know could profit upon their deaths.

4 Now, the witnesses I just described are some of  
5 the people who actually signed the signature forms that  
6 were put in front of them. Although they didn't  
7 understand what it was they were signing, their  
8 signatures were at least their own. You will see that  
9 even the signatures of some of the terminally ill  
10 individuals were stolen from them. The evidence will  
11 show that in a number of instances when the Defendants  
12 for one reason or another were unable to secure the  
13 signatures of the terminally ill individuals, they  
14 simply forged their signatures on the application  
15 forms.

16 One of the witnesses who will testify as to the  
17 false signatures on the application forms is a woman  
18 named Ann Scuncio. The Defendant, Caramadre, opened up  
19 a brokerage account in his name and in the name of Ann  
20 Scuncio's mother, an elderly woman named Pia Bernardo.

21 Ann Scuncio will tell you that her mother did  
22 not sign any of the forms, as she was unable to at that  
23 point in her life, and that she did not sign any of the  
24 forms on her mother's behalf.

25 You'll see the application forms with Pia



1 Bernardo's apparent signatures on them, and you'll see  
2 that the Defendants made a major blunder. They  
3 mistakenly signed the wrong first name on one of the  
4 application forms.

5 You will also hear from a mother and son named  
6 Kathleen Flori and Dennis Flori, Jr. You'll hear that  
7 in 2008 while Kathleen Flori's husband, Dennis, Sr.,  
8 was on his deathbed with cancer an account was opened  
9 up in his name with Joseph Caramadre. Dennis, Sr. soon  
10 passed away. Mrs. Flori and her son Dennis, Jr., will  
11 testify about the two meetings they had with Raymour  
12 Radhakrishnan and will tell you that they had no idea  
13 that a brokerage account would be opened in Dennis,  
14 Sr.'s, name or that Mr. Caramadre stood to make money  
15 upon Dennis, Sr.'s, death. They will also testify that  
16 Dennis, Sr.'s, apparent signatures on the application  
17 forms are not his.

18 The Floris will testify that when  
19 Mr. Radhakrishnan wanted Dennis, Sr. to sign one single  
20 form but Dennis, Sr. was too sick to hold a pen and  
21 sign his name by himself, you'll hear that his son,  
22 Dennis, Jr., had to go next to his father on his death  
23 bed, hold the pen in his father's hand and help him  
24 sign one single document, a signature page.

25 As you can imagine, this was a very traumatic

1 moment for Dennis, Jr., having to hold his dying  
2 father's hand to help him sign one single document.  
3 Dennis, Jr. will testify that he's certain that he did  
4 this on one and only one document, an internal document  
5 that Mr. Caramadre kept for his records.

6 He will also testify that all of the five  
7 supposed signatures of his father, Dennis, Sr., on the  
8 brokerage account application forms are not Dennis  
9 Sr.'s, and that he's certain of this fact because he  
10 knows he only helped his father sign his name one  
11 single time.

12 Now, we anticipate that during this case you'll  
13 hear from four broad categories of witnesses, the  
14 terminally ill individuals and their family members,  
15 social workers and nurses, some of the insiders who  
16 participated in the scheme with the Defendants; and  
17 fourth, representatives of some the companies that were  
18 involved.

19 Now, the first category of witnesses you'll hear  
20 from are the terminally ill individuals themselves and  
21 their family members, some of whom I've just described.

22 Now, you'll hear that the very people the  
23 Defendants were deceiving, the terminally ill, were  
24 chosen because they were supposed to die soon. By the  
25 very nature of the scheme, therefore, most of the

1 individuals the Defendants dealt with have since passed  
2 away and are unable to testify on their own behalfs  
3 before you.

4 You'll hear, however, that although the  
5 Defendants tried their best to find people who would  
6 die quickly, they got it wrong on a few occasions.

7 One of the terminally ill individuals used by  
8 the Defendant, a man named Edwin Rodriguez,  
9 miraculously exceeded his life expectancy and is  
10 expected to testify before you. Mr. Rodriguez is  
11 suffering from a condition called osteomyelitis, a  
12 terminal disease that is slowly eating away at his bone  
13 structure.

14 Mr. Rodriguez will testify that he got this  
15 condition after he was carjacked and shot in Providence  
16 a number of years ago, an event that left him in a  
17 wheelchair. He'll testify that in 2008, a hospice  
18 social worker that was helping to take care of him told  
19 him about a program she had heard about in which a  
20 philanthropist was giving money away to terminally ill  
21 individuals.

22 Edwin Rodriguez proceeded to have a couple of  
23 meetings with Mr. Radhakrishnan during which  
24 Mr. Rodriguez was presented with a pile of blank  
25 signature pages to sign. Mr. Rodriguez is expected to

1       testify that he was never told that any accounts or  
2       annuities would be opened in his name or that anyone  
3       else stood to profit off of his death. Like many other  
4       witnesses you will hear, he thought the money he was  
5       receiving was simply the gift of a local  
6       philanthropist.

7               Now, you will hear that a few of the other  
8       terminally ill individuals did not make it to this  
9       trial, but they did live long enough to give videotaped  
10      depositions three years ago concerning their  
11      interactions with the Defendants. Although they have  
12      since passed away, the depositions will be played in  
13      court on this screen in the video before you. You'll  
14      hear in their own words that they had no idea  
15      whatsoever that any accounts or annuities would be  
16      opened in their names.

17             You'll hear in their own words how they never  
18      for one second thought that Joseph Caramadre or anyone  
19      else stood to make money upon their deaths.

20             In fact, the first witness you will hear is a  
21      man named Richard Wiley. Richard Wiley was a  
22      79-year-old man from Westerly, Rhode Island who passed  
23      away from Stage IV cancer in November of 2009. You'll  
24      see the video deposition that Mr. Wiley gave in this  
25      case in September of 2009, a couple of months before

1 his death.

2 In that deposition, Mr. Wiley repeatedly  
3 testified that he was never informed, that he had no  
4 idea that a brokerage account was opened in his name,  
5 that bonds were purchased in his name or that someone  
6 else stood to benefit from his death.

7 Mr. Wiley's testimony will be consistent with  
8 the testimony of witness after witness in this case,  
9 that they were never told that their names, dates of  
10 birth and Social Security numbers would be used on any  
11 type of account or annuity that would let Joseph  
12 Caramadre, Raymour Radhakrishnan or anyone else make  
13 money off of their deaths, that their identities were  
14 stolen from them.

15 You'll also hear from numerous family members  
16 and loved ones of terminally ill individuals who have  
17 since passed away. These family members were often  
18 there when either Mr. Caramadre or Mr. Radhakrishnan  
19 came calling.

20 These witnesses will testify about their  
21 dealings with the two Defendants and what was told to  
22 their loved ones before they were asked to sign the  
23 papers that were put in front of them. They will tell  
24 you that no one ever told them that someone else was  
25 trying to profit off the deaths of their loved ones.

1           They will also testify about the false  
2           information that was written by their loved ones on the  
3           application forms submitted by the Defendants in which  
4           the Defendants repeatedly lied by informing the  
5           companies that the terminally ill individual had  
6           substantial wealth and investment experience.

7           The terminally ill individuals and their family  
8           members will tell you that this was absolutely false  
9           information that Mr. Radhakrishnan and Mr. Caramadre  
10          provided the companies.

11          Now, the second category of witnesses you'll  
12          hear from are some hospice social workers and nurses  
13          who took care of some of the terminally ill people  
14          involved in this case. They will tell you that they  
15          all along believed that Mr. Caramadre was simply  
16          operating some kind of charity and that when they  
17          referred their patients to this program they never for  
18          a second thought that anyone else stood to profit from  
19          their patient's death.

20          They will tell you they referred their patients  
21          to this program until February of 2009 when  
22          Mr. Caramadre was given an opportunity to come to Home  
23          and Hospice headquarters and explain his program to the  
24          social workers. When this meeting took place, you'll  
25          hear that Mr. Caramadre, who was unclear in his

1 explanation and, in fact, refused to answer some of the  
2 social workers' questions.

3 At that point, you will hear the hospice social  
4 workers by and large stopped referring their patients  
5 to Mr. Caramadre's program.

6 Now, the third category of witnesses you will  
7 hear from are some of the insiders, some people who are  
8 close with Mr. Caramadre and participated in this  
9 scheme with him. Two of these people are Ed Hanrahan  
10 and Ed Maggiacomo. Both Hanrahan and Maggiacomo are  
11 licensed insurance agents who work out of Caramadre's  
12 office. They were the ones who were submitting the  
13 annuity applications that named terminally ill  
14 individuals.

15 You'll hear that they proceeded to earn millions  
16 and millions of dollars in commissions from insurance  
17 companies, the majority of which they passed on to  
18 Mr. Caramadre.

19 Mr. Hanrahan and Maggiacomo will explain to you  
20 some of what was occurring behind the scenes at Estate  
21 Planning Resources.

22 Mr. Hanrahan is expected to testify that he and  
23 Mr. Caramadre both understood perfectly well that the  
24 insurance companies did not want this type of business  
25 and that they would be terminated by each and every

1 company once that company learned that they were  
2 utilizing terminally ill individuals. In fact,  
3 Mr. Hanrahan will tell you how one by one the insurance  
4 companies did discover this fact, that they were using  
5 terminally ill individuals and that when they learned  
6 this, the companies terminated them, prohibited them  
7 from submitting any further business to that company.

8 Rather than stopping this practice when they  
9 were terminated by insurance companies, Mr. Hanrahan  
10 will explain that Mr. Caramadre simply found other  
11 insurance companies he could exploit, companies that  
12 had yet to discover that he was using terminally ill  
13 individuals as annuitants.

14 You'll see one e-mail in which Mr. Hanrahan  
15 refers to one of these new insurance companies as  
16 "fresh meat." And that's exactly what each new company  
17 that didn't know what they were up to was to  
18 Mr. Caramadre and Mr. Radhakrishnan, fresh meat they  
19 could pounce upon.

20 Hanrahan will also explain to you that  
21 Mr. Caramadre implemented a number of steps to trick  
22 these companies, to keep the insurance companies from  
23 finding out that he was using terminally ill people for  
24 as long as possible. These steps included starting out  
25 with a very small deposit when the annuity applications



1       were submitted, a deposit that wouldn't really attract  
2       the attention of the companies, and then adding much  
3       more money to the annuities once the application had  
4       been approved.

5               You'll hear that another step Mr. Caramadre took  
6       to deceive the companies was to put his money into  
7       accounts and annuities in other people's names so that  
8       the companies wouldn't put it together that all these  
9       accounts really belonged to the same person.

10              Mr. Hanrahan will tell you that Mr. Caramadre  
11       knew full well that what he was doing was causing  
12       tremendous losses to these companies and that he tried  
13       to conceal these activities for as long as possible.

14              The other insider that you'll hear from is a man  
15       named Ed Maggiacomo. Like Hanrahan, Maggiacomo was an  
16       insurance agent who was submitting these annuity  
17       applications at Mr. Caramadre's request.

18              Mr. Maggiacomo will tell you how he repeatedly  
19       lied to the insurance companies when they called him  
20       asking questions about these annuitants, the terminally  
21       ill people. As a matter of fact, you'll hear  
22       recordings of the conversations in which Mr. Maggiacomo  
23       lied to the insurance companies by falsely claiming  
24       that there was some kind of relationship between the  
25       annuitant, the terminally ill individual, and the owner

1 of the investment, who was sometimes Mr. Caramadre and  
2 sometimes one of Mr. Caramadre's investors.

3 And that brings us to the final broad category  
4 of witnesses you'll hear from in this case,  
5 representatives of the companies that were lied to by  
6 Mr. Caramadre and by Mr. Radhakrishnan.

7 During the course of this trial, you're going to  
8 see on paper lie after lie the Defendants told the  
9 companies involved. You'll see how they repeatedly  
10 lied on the application forms by representing that the  
11 terminally ill people had substantial wealth and  
12 investments experience when they knew full well that  
13 these people were in dire financial straits, that many  
14 responded to the ad because they didn't even have  
15 enough money to pay for their own funerals.

16 You'll also see on paper how the Defendants  
17 repeatedly lied on the application forms by providing  
18 false phone numbers and contact information for the  
19 terminally ill people so that the companies would have  
20 difficulty contacting them.

21 You'll also see on paper lie after lie that the  
22 Defendants told about who these terminally ill people  
23 were, falsely representing that they were clients,  
24 friends or acquaintances. And you'll see on paper how  
25 Mr. Caramadre and Mr. Radhakrishnan regularly misled

1 the companies by putting other people's names on the  
2 accounts in which the money really belonged to  
3 Mr. Caramadre.

4 Now, as time went on, you will hear that the  
5 companies involved began to figure out what was going  
6 on, that Mr. Caramadre was using terminally ill  
7 individuals as co-owners on the accounts or as  
8 annuitants on the annuities. And these companies  
9 started to ask questions of Mr. Caramadre.

10 Mr. Caramadre was then faced with a critical choice  
11 when these companies started asking him questions. Do  
12 I tell the truth that I'm making substantial profits on  
13 the deaths of terminally ill individuals and run the  
14 risk of these companies shutting me down, or do I lie  
15 and make them think that the account was some type of  
16 legitimate estate planning accounts, that the  
17 terminally ill are my Estate Planning clients who I am  
18 helping to manage their estates? You'll hear that when  
19 faced with this decision, Mr. Caramadre chose the  
20 second option. He chose to commit fraud by telling the  
21 companies lie after lie.

22 You'll hear that one of the companies that was  
23 deeply involved in this was the brokerage company TD  
24 Ameritrade. Mr. Caramadre opened up more than 30  
25 Ameritrade brokerage accounts in his name and in the

1 name of terminally ill individuals in which millions of  
2 dollars worth of these death-put bonds were purchased.

3 When Ameritrade wanted to know why Mr. Caramadre  
4 was opening up so many accounts with so many different  
5 people, they contacted and met with Mr. Caramadre and  
6 Mr. Radhakrishnan. You'll hear that Mr. Caramadre  
7 proceeded to lie to them about what was happening in  
8 these accounts. Mr. Caramadre told Ameritrade  
9 officials a boldface lie, that the co-owners of the  
10 accounts, these terminally ill people, were his Estate  
11 Planning clients and that he was helping them manage  
12 their estates and that's what was going on in these  
13 accounts.

14 The truth, which he deliberately lied about and  
15 hid from Ameritrade, was that the co-owners were not  
16 his Estate Planning clients. They were terminally ill  
17 people who had responded to the ad he had placed in the  
18 Catholic paper.

19 This same pattern occurred with other companies  
20 that were involved, including e-Trade and Lifemark.  
21 You'll hear that these companies had concerns about the  
22 fact that so many people on Mr. Caramadre's accounts  
23 and annuities were dying so quickly and asked him and  
24 Mr. Radhakrishnan for further information.

25 You'll hear from witnesses from these companies

1       that -- and they will tell you that they were also lied  
2       to by the Defendants.

3               You will also hear evidence that Mr. Caramadre  
4       and Mr. Radhakrishnan committed the crime of money  
5       laundering when Mr. Caramadre purchased an \$800,000  
6       annuity with his money but in the name of  
7       Mr. Radhakrishnan. To make this happen, the Defendants  
8       had to lie on the forms submitted with the annuity  
9       applications to make it falsely appear that  
10      Mr. Radhakrishnan was earning hundreds of thousands of  
11      dollars from a company called Net Worth Display  
12      Systems. The evidence, however, will show that this  
13      was another lie, that Mr. Radhakrishnan had no income  
14      whatsoever from this company.

15             And you will hear evidence that during the grand  
16      jury phase of this case, Defendant Caramadre tampered  
17      with a witness by attempting to persuade that witness  
18      to lie to a federal investigator and that that witness  
19      did, in fact, lie as he was told to by Mr. Caramadre.

20             Now, throughout the trial you'll be shown a lot  
21      of financial documents such as large checks to the  
22      companies involved and checks to some of the terminally  
23      ill people who responded to the advertisements. It may  
24      well appear daunting to you if you try to keep track of  
25      the flow of the money involved in this case. Please

1 keep in mind that near the end of the Government's case  
2 we'll present a summary witness to you who will  
3 summarize the financial transactions that Mr. Caramadre  
4 and/or Mr. Radhakrishnan organized using terminally ill  
5 people. It is anticipated that you will hear from this  
6 witness that the Defendants did give some money to the  
7 terminally ill people totaling several hundred thousand  
8 dollars. You'll also hear evidence, however, that this  
9 scheme generated more than \$30 million in profits to  
10 Caramadre and his investors and caused millions and  
11 millions of dollars in losses to the companies  
12 involved.

13 The evidence will show that Mr. Caramadre  
14 treated the relatively small money he was paying to  
15 terminal ill as a necessary step for him to make  
16 millions of dollars off of their deaths.

17 At the end of the day, this fraud case, like all  
18 fraud cases, is about lies. As the trial proceeds,  
19 you'll hear witness after witness, see document after  
20 document, and hear recording after recording that  
21 showed repeated lies of these two Defendants. The  
22 terminally ill individuals and their family members  
23 will testify as to the lies the Defendants told them  
24 and how they were deceived into signing blank pages  
25 that were put in front of them, or how the signatures

1 on the account opening documents are not those of their  
2 loved ones.

3 The representatives of the various companies  
4 will testify about the repeated lies that Mr. Caramadre  
5 and Mr. Radhakrishnan told them. You'll see dozens of  
6 account applications in which lies were told about the  
7 terminally ill person's finances, investment history,  
8 phone numbers and other contact information.

9 You'll see numerous documents in which false  
10 information was provided to the companies about who  
11 these terminally ill people were. You'll be provided  
12 with documents that show the financial machinations  
13 that Mr. Caramadre went to to open a large number of  
14 these accounts and annuities in other people's names to  
15 deceive the companies to believing that he was not the  
16 one investing all this money. And you'll hear actual  
17 recordings made by the companies as part of their  
18 normal business practice in which some of the lies of  
19 the Defendants and of co-conspirators are caught on  
20 tape.

21 In short, ladies and gentlemen, this is a case  
22 about lies and deceit, and the evidence of the  
23 Defendants scheming to defraud will be overwhelming.  
24 The evidence the Government will present to you in this  
25 case will leave you with no doubt that Joseph Caramadre

1 and Raymour Radhakrishnan engaged in an elaborate  
2 scheme to defraud and deceive terminally ill  
3 individuals, insurance companies and bond issuers.

4 The evidence will leave no doubt that  
5 Mr. Caramadre and Mr. Radhakrishnan committed identity  
6 theft by using the names, Social Security numbers and  
7 dates of birth of terminally ill individuals without  
8 their knowledge or consent.

9 Joseph Caramadre did, in fact, find a way to  
10 make millions of dollars upon the deaths of terminally  
11 ill individuals. The path he chose, however, was not a  
12 legal loophole. The path he chose was one of fraud,  
13 deceit, and lies; lies to the companies involved and  
14 lies to the terminally ill people.

15 At the close of this case, we will have an  
16 opportunity to address you again. At that time, we  
17 will ask you to return a verdict of guilty on all  
18 counts against both Defendants. Thank you very much.

19 THE COURT: Thank you, Mr. Vilker.

20 All right. Ladies and gentlemen, we're going to  
21 proceed now with the deposition testimony of  
22 Mr. Richard Wiley. I'm told the deposition lasts about  
23 two-and-a-half hours. We'll watch about one-half hour  
24 of it and then we'll take our morning break, and then  
25 we'll finish with the last two hours, which will take



1 us through the end of the trial day.

2 Before we begin, I do want to emphasize to you  
3 something that I told you during my preliminary  
4 instructions, which is to remind you that statements  
5 made by counsel in an opening statement are not  
6 evidence and should be understood by you as only an  
7 outline of what the Government expects the case to be  
8 about and particularly characterizations with respect  
9 to things such as profits and losses and statements of  
10 lies and that sort of thing tends toward argument to  
11 you, and you're the ones that will be asked at the end  
12 of this trial to decide the question of whether the  
13 Defendants are guilty of the charges alleged in the  
14 indictment, whether these monies are profits, whether  
15 they are losses and whether things said are lies and  
16 whether the fraud occurred. That will be for you to  
17 decide based on the evidence that is going to be shown  
18 during the course of the trial.

19 Finally, one other thing I want to tell you  
20 before we begin the deposition, the video deposition,  
21 is you're going to see some references to various  
22 exhibits while these video depositions are shown, and  
23 they're going to appear on the screens that are in  
24 front of you. Certain numbers will be used when those  
25 exhibits are shown, and those numbers may not be the

1 same as what those documents are numbered for purposes  
2 of this trial. I don't want you to get confused in  
3 taking down those numbers. We'll provide you -- at the  
4 appropriate time, those documents will come into  
5 evidence, and they'll be given an evidence number,  
6 trial evidence number, but in deposition they're often  
7 given a number for purposes of the deposition. I just  
8 want to highlight that for you so you don't get the two  
9 numbers confused. There are going to be a lot of  
10 exhibits in the trial so it's important to try to keep  
11 track of the numbers correctly.

12 All right. Are we ready to proceed with the  
13 deposition?

14 MR. McADAMS: Yes, your Honor. Before we play  
15 it, at this time I would like to move into evidence the  
16 exhibits that were used in the deposition of Mr. Wiley.  
17 Those exhibits are for trial purposes Government  
18 Exhibit 158, which is identified in the deposition as  
19 Wiley Depo Exhibit 1. It's an agreement and  
20 acknowledgment form. I'd also like to move in  
21 Government Exhibit 159, which is identified during the  
22 deposition as Wiley Deposition Exhibit 2, which is a  
23 limited trading authorization document. Government  
24 Exhibit 160, which is identified during the deposition  
25 as Wiley Deposition Exhibit Number 3, which is an

1 account statement of Richard Wiley and Paula Caramadre.  
2 Government Exhibit 161, which is identified during the  
3 deposition as Wiley Deposition Exhibit Number 4, a  
4 TradeKing affidavit. And Government Exhibit 129, which  
5 is identified during the deposition as Wiley Deposition  
6 Exhibit Number 7, which is a letter from  
7 Mr. Radhakrishnan to Mr. Wiley. And I would request  
8 permission, your Honor, that the Government be  
9 permitted to publish those during the playing of the  
10 deposition. Ms. Anderson will publish them at the time  
11 that they are referenced during the deposition.

12 THE COURT: All right. Is all of that agreeable  
13 to the Defendant?

14 MR. LEPIZZERA: No objection, your Honor.

15 THE COURT: Mr. Radhakrishnan?

16 MR. RADHAKRISHNAN: No objection, your Honor.  
17 Thank you.

18 THE COURT: All right. Then Exhibits 158, 159,  
19 160, 161, and 129 will all be admitted in full and  
20 published to the jury during the showing of the  
21 deposition.

22 (Government Exhibits 158, 159, 160, 161, and 129  
23 admitted in full.)

24 THE COURT: Are we read to play the deposition?

25 MR. McADAMS: We are, Judge.

1 (Video deposition of Mr. Wiley played.)

2 THE COURT: Okay. So ladies and gentlemen, it's  
3 about 11 o'clock. I'm going to take our break now.

4 I want to make a couple of comments before I  
5 send you out about the video deposition that you're  
6 watching. It's important to understand that this  
7 deposition, as you can see from the screen, was taken  
8 about almost three years ago during some of the  
9 preliminary proceedings that have eventually led to  
10 this trial; and at that time, there were a number of  
11 different lawyers who were involved in the process.  
12 And because it was so early in the process and this  
13 proceeding was somewhat unusual, the attorneys were  
14 expressing a lot of objections as you can hear during  
15 the course of the questioning.

16 It's a little distracting but one of the  
17 problems is that the -- during a deposition, typically,  
18 objections get stated to be preserved for the record if  
19 the testimony is eventually used in trial. And as you  
20 can see, sometimes the answers to questions are  
21 intermingled with the objections. So it's hard to  
22 extract that distracting information. But what's  
23 important for you to understand is all of that doesn't  
24 mean anything for your purposes. You're simply  
25 listening to the substantive questions and answers.

1 All of those objections you should simply just  
2 disregard because anything in the way of objections and  
3 that sort of thing that I've needed to deal with I've  
4 already dealt with.

5 So it's a distraction. I'm just asking you to  
6 disregard it and to listen to the substantive questions  
7 and answers that are given during the course of the  
8 deposition.

9 So we'll take our morning break at this time.  
10 You, I think, will be allowed to go downstairs to have  
11 your sandwich. Charlie will lead you down there. And  
12 there's some other snacks available. We'll take about  
13 30 minutes, make sure you use the facilities, and keep  
14 in mind my instruction not to talk about the case.  
15 Charlie will show you out. Thank you very much.

16 (Proceedings out of the presence of the jury as  
17 follows:)

18 THE COURT: Anything we need to take up?

19 MR. RADHAKRISHNAN: No, your Honor.

20 MR. TRAINI: No, your Honor. Thank you.

21 THE COURT: Counsel come up for one minute,  
22 please.

23 (Side bar conference off the record.)

24 (Recess.)

25 (Proceedings in the presence of the jury as

1 follows:)

2 THE COURT: Welcome back, ladies and gentlemen.  
3 Hope you enjoyed your break and found a good,  
4 nutritious snack downstairs for you. I think we're  
5 ready to proceed so I'm going to ask the clerk to start  
6 the deposition again.

7 (Video played.)

8 THE COURT: What page in the transcript and what  
9 line?

10 MR. LEPIZZERA: Page 42, your Honor.

11 THE COURT: Are you sure?

12 MR. McADAMS: On the transcript, it's 104 on the  
13 side number, side page number, bottom of the page is  
14 42.

15 THE COURT: Can you just rewind it a little bit  
16 to make sure we haven't lost anything.

17 (Video played.)

18 MR. McADAMS: We may need to clean the disk.

19 THE COURT: Sorry, ladies and gentlemen.

20 MR. McADAMS: May be the player. I'm not sure.

21 (Video played.)

22 MR. RADHAKRISHNAN: Excuse me, your Honor. I  
23 have to object.

24 THE COURT: Stop the video. Counsel come up,  
25 please.

1 (Side bar conference off the record.)

2 THE COURT: Ladies and gentlemen, obviously,  
3 there's a little bit of a technical difficulty with the  
4 disk or the player, and I'm not sure which it is, but I  
5 don't want to keep you here while we try to figure this  
6 out. We have about 30 to 40 minutes left, maybe 45  
7 minutes left of this deposition.

8 So what I'm going to do is I'm going to let you  
9 go now for the rest of the day. I'm going to have  
10 counsel and the technical people here at the courthouse  
11 check everything so that we know that it all runs  
12 smoothly tomorrow morning, and we'll finish this video  
13 deposition in the morning and then proceed to the next  
14 witness, who will be a live witness.

15 And so I just want to take a moment just to  
16 remind you of all of my previous instructions not to  
17 read or listen to or watch anything that appears in any  
18 media. There's no doubt there will be some media  
19 coverage of this case as I mentioned to you before, and  
20 you're to stay away from that. Secondly, not to have  
21 any conversations with anyone about the case and also  
22 not to do any research of any kind about anything  
23 related to the case.

24 Now, when you come back to the courthouse  
25 tomorrow or at any time when you're out or about, we're

1 not taking lunch hours in this trial, but if you are  
2 coming into the courthouse or you're leaving the  
3 courthouse, you may see someone that you recognize from  
4 court. You may see them walking into the courthouse or  
5 around town someplace.

6 During the trial, you've been given juror  
7 buttons, I think, and you should wear those if you're  
8 at any time near the courthouse, out in the vicinity.  
9 That way people who are associated with the trial know  
10 to stay away from you, and you need to make sure that  
11 you don't inadvertently run into anybody or stand in a  
12 coffee line with somebody who is connected with this  
13 case. And that's why we give you those juror buttons.  
14 Okay?

15 So Charlie will show you out, and we'll see you  
16 bright and early tomorrow morning, nine o'clock. We'll  
17 start nine o'clock sharp.

18 Thank you very much. And leave your notebooks  
19 behind. We'll collect them.

20 (Proceedings out of the presence of the jury as  
21 follows:)

22 THE COURT: All right. We'll recess for the  
23 day. Start tomorrow morning nine o'clock, and just  
24 make sure all the disks are thoroughly cleaned and  
25 we'll make sure, John, this player needs to have a



1       thorough cleaning so that we don't have this problem  
2       again.   Okay?

3               Thanks.   We'll be in recess.

4               (Court concluded at 1:05 p.m.)  
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C E R T I F I C A T I O N

I, Anne M. Clayton, RPR, do hereby certify  
that the foregoing pages are a true and accurate  
transcription of my stenographic notes in the  
above-entitled case.

/s/ Anne M. Clayton

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Anne M. Clayton, RPR

January 10, 2013

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Date